



#3

Atty Dkt: 1540/140

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS -  
SMALL BUSINESS CONCERN**

Applicant(s): Katherine D. Gordon  
Robert J. Leonard

Serial No: 09/932,821

Date Filed: August 17, 2001

For: Novel Formulations for Administering Therapeutic Lipophilic Molecules

I hereby declare that I am an official of the following small business concern and am empowered to act on its behalf:

Apollo BioPharmaceutics, Inc.  
One Broadway, Suite 600  
Cambridge, MA 02142

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to, and remain with, the small business concern identified above with regard to the above-referenced invention.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern, or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor(s), who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

I acknowledge the duty to file, in this application, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of person signing: Katherine Gordon

Title of person signing: President

Address of person signing: Apollo One Broadway  
Cambridge MA 02142

Signature: [Signature]

Date: 10/3/01

01540/00140 170468.1

[Signature] - Notary Public  
Douglas Kennan  
comm. X - 2/03

#3



**COMBINED DECLARATION AND POWER OF ATTORNEY**

**(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION, OR C-I-P)**

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is for an original application.

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am an original, first and joint inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

Novel Formulations for Administering Therapeutic Lipophilic Molecules

**SPECIFICATION IDENTIFICATION**

The specification was filed on August 17, 2001, as Serial No. 09/932,821.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56.

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)**  
(35 U.S.C. Section 119(e))

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

**PROVISIONAL APPLICATION NUMBER**

60/226,106

**FILING DATE**

August 17, 2001

**POWER OF ATTORNEY**

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

APPOINTED PRACTITIONER(S)	REGISTRATION NUMBER(S)
Harriet M. Strimpel	37,008
Bruce D. Sunstein	27,234
Robert M. Asher	30,445
Timothy M. Murphy	33,198
Steven G. Saunders	36,265
Karen A. Buchanan	37,790
Samuel J. Petuchowski	37,910
Jeffrey T. Klayman	39,250
John J. Stickevers	39,387
Herbert A. Newborn	42,904
Elizabeth P. Morano	43,193
Jean M. Tibbetts	43,900
Jay Sandvos	44,729
Sonia K. Guterman	45,235
Keith J. Wood	45,243
Yang Xu	47,299
Alton Hornsby, III	47,953
Alexander J. Smolenski	48,241
John L. Conway	P-48,241

I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

---

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:

Harriet M. Strimpel  
617-443-9292

Harriet M. Strimpel  
125 Summer Street  
Boston, MA 02110  
US

Customer Number 02101

---

#### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

#### SIGNATURE(S)

---

Katherine D. Gordon

Inventor's signature

Date 10/3/01

  
Country of Citizenship US

Residence Winchester, MA

Post Office Address 5 Parker Road, Winchester, MA 01890 U.S.A.

Robert J. Leonard

Inventor's signature

Date 10/3/01

  
Country of Citizenship US

Residence Wellesley, MA

Post Office Address 18 Lanark Road, Wellesley, MA 02481 U.S.A.